

111TH CONGRESS  
1ST SESSION

# S. 617

To provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17, 2009

Mr. JOHNSON (for himself and Mr. THUNE) introduced the following bill;  
which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Lower Brule and Crow  
5       Creek Tribal Compensation Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the Pick-Sloan Missouri River Basin Pro-  
9       gram (authorized by section 9 of the Act of Decem-

ber 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries,

1       and that compensation should be consistent among  
2       the Tribes; and

3               (7) the Lower Brule Sioux Tribe and the Crow  
4       Creek Sioux Tribe are entitled to receive additional  
5       compensation for injuries described in paragraph  
6       (6).

7       **SEC. 3. LOWER BRULE SIOUX TRIBE.**

8       Section 4(b) of the Lower Brule Sioux Tribe Infra-  
9       structure Development Trust Fund Act (Public Law 105–  
10      132; 111 Stat. 2565) is amended by striking  
11      “\$39,300,000” and inserting “\$129,822,085”.

12      **SEC. 4. CROW CREEK SIOUX TRIBE.**

13      Section 4(b) of the Crow Creek Sioux Tribe Infra-  
14      structure Development Trust Fund Act of 1996 (Public  
15      Law 104–223; 110 Stat. 3027) is amended by striking  
16      “\$27,500,000” and inserting “\$69,222,084”.

17      **SEC. 5. TREATMENT AS FINAL COMPENSATION.**

18      (a) FULL AND FINAL COMPENSATION.—This Act  
19      shall be considered to be full and final compensation to  
20      the Lower Brule Sioux Tribe and the Crow Creek Sioux  
21      Tribe for damages caused by construction of the Fort  
22      Randall Dam and the Big Bend Dam under the Pick-  
23      Sloan Missouri River Basin Program.

24      (b) RELEASE OF FURTHER CLAIMS.—The Lower  
25      Brule Sioux Tribe and the Crow Creek Sioux Tribe shall

1 release any further claim for compensation as a result of  
2 the Pick-Sloan Missouri River Basin Program.

3 (c) NO PRECEDENT FOR OTHER TRIBES.—

4 (1) DEFINITION OF NON-MISSOURI RIVER BASIN  
5 PROGRAM INDIAN TRIBE.—In this paragraph, the  
6 term “non-Missouri River Basin Program Indian  
7 tribe” means any federally recognized Indian tribe  
8 the land under the control of which does not border  
9 the Missouri River.

10 (2) NO PRECEDENT.—This Act—

11 (A) is a result of the unique history of the  
12 Missouri River Basin Program; and

13 (B) shall not be considered to be a prece-  
14 dent for any non-Missouri River Basin Program  
15 Indian tribe with respect to any potential claim  
16 of the non-Missouri River Basin Program In-  
17 dian tribe against the United States.

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